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Implementation of the United Nations Declaration on Crime and Public Security

Report of the Secretary-General**

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* E/CN.15/2002/1.

** The submission of the present report was delayed because of the need to take into account recent developments, principally in the areas of transnational organized crime and terrorism.

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I. Introduction

1. In its resolution 51/60 of 12 December 1996, the General Assembly approved the United Nations Declaration on Crime and Public Security, annexed to that resolution. In its resolution 1997/34 of 21 July 1997, the Economic and Social Council welcomed the report of the Secretary-General on technical cooperation and coordination of activities (E/CN.15/1997/17) setting forth the information provided to date by Member States on their efforts to observe and implement in full Assembly resolution 51/60, and requested the Secretary-General to seek information from Member States on the implementation of that resolution, using a questionnaire or other means. In section I of its resolution 1998/21 of 28 July 1998, the Council requested the Secretary-General to prepare survey instruments on, inter alia, the United Nations Declaration on Crime and Public Security.

2. In accordance with those requests, a draft questionnaire on the use and application of the Declaration was brought to the attention of the Commission on Crime Prevention and Criminal Justice at its eighth session. In October 1999, the questionnaire, together with a note verbale, was sent to Member States, intergovernmental organizations and United Nations institutes, seeking information related to the implementation of the Declaration. At its ninth session, the Commission expressed concern about the number of documents before it and decided to defer some matters to its tenth and eleventh sessions. It recommended that consideration of the results of the survey on the Declaration be deferred until its eleventh session.[1]

3. The following 37 States sent replies to the questionnaire: Algeria, Angola, Australia, Austria, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Iceland, Iraq, Ireland, Japan, Jordan, Kuwait, Madagascar, Mongolia, Morocco, New Zealand, Norway, Philippines, Poland, Portugal, Qatar, Republic of Korea, Slovakia, South Africa, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America. Several United Nations entities, as well as other intergovernmental and international organizations, acknowledged receipt of the survey questionnaire, but indicated that the questions did not apply to them or were beyond the scope of their activities. Some of those entities did furnish other information about ongoing activities that they considered to be relevant.

4. Analysis of the replies to the survey was undertaken by the Centre for International Crime Prevention of the Secretariat, in cooperation with the National Institute of Justice of the United States Department of Justice, an associated institute of the United Nations Crime Prevention and Criminal Justice Programme network. The National Institute of Justice analysis is the primary source of information for the present report.[2] Since the completion of the analysis by the National Institute of Justice, major legal developments in the areas of transnational organized crime and terrorism have occurred. References to provisions of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and to the legal responses to the terrorist attacks that took place in the United States on 11 September 2001, in particular Security Council resolution 1373 (2001) of 28 September 2001, have been incorporated where appropriate.

II. Dissemination and impact of the Declaration

5. Since its adoption in 1994, the majority of the responding States have made the Declaration on Crime and Public Security available to police agencies, public prosecutors, ministries of the interior, ministries of justice, ministries of foreign affairs, immigration services, customs services and other relevant government agencies. More than half of the respondents indicated that the Declaration has made an impact on relevant laws, policies or practices in their respective countries.

6. Sixteen of the responding States reported that "public security" was not defined by legislation. Others provided legislative or non-legislative definitions in their replies. Those definitions ranged from general concepts based on matters such as citizens' subjective feelings of safety to more specific elements such as the protection of independence, sovereignty and national security, life, health, individual rights and freedoms, common and private property rights, national wealth and public order.

7. Most responding States indicated that their agencies, officials and organizations defined, supported and enforced public security through a combination of means, including legislative and regulatory measures, security measures taken by officials and public awareness campaigns. They indicated that the Declaration had been used to develop strategies, legislation and other initiatives in areas such as crime prevention, counter-terrorism, police training, the improvement of penal policy and judiciary reform, as well as in the context of efforts to combat drug trafficking, illegal migration, corruption and other problems.

8. Twenty-seven of the responding States reported that they had conducted public awareness or information campaigns about the Declaration. Many of those efforts and initiatives used the mass media and included crime prevention and awareness-raising or educational campaigns. Many used an outreach approach and were aimed at encouraging citizens to communicate with relevant agencies in order to address areas of concern.

9. Many responding States indicated that the measures being taken to ensure public security and safety involved activities at the personal and local community levels. Examples included the use of campaigns for "safe streets", "neighborhood watch" and other programmes for raising public awareness based on community initiation or participation and close relationships between the community and law enforcement at the local level. Many programmes focused on situational crime prevention and community policing initiatives. Cooperation between the police and the public in some cases also included project coordination with non-governmental organizations. Some States had appointed liaison councils to encourage more public involvement in crime prevention activities.

10. Another major security concern of the responding States related to problems of controlling or securing national borders against various forms of transnational crime, including the smuggling of illicit commodities such as narcotic drugs, firearms or other weapons, documents, cash or the proceeds of crime. A further concern was the increasing treatment of human beings as a commodity in transnational crime, such as the smuggling of illicit migrants for profit and trafficking in human beings for subsequent exploitation.

11. Since the adoption of the Declaration, many of the responding States had taken additional measures at their national borders in order to counteract such activities. Those activities included enhanced border control security and surveillance, the signature of multilateral and cooperative agreements for joint investigations, enhanced training and increased authority, and the adoption or amendment of criminal legislation establishing offences and procedures. That process was subsequently reinforced by the efforts of States to ratify and implement the United Nations Convention against Transnational Organized Crime and the protocols thereto (General Assembly resolutions 55/25, annexes I-III, and 55/255, annex), all of which called for legislative and other action relating to border security and the fight against transnational crime by organized criminal groups.[3]

12. A number of States also provided information on efforts to coordinate action and procedures between the agencies concerned with border control. In some countries, border control officials, customs offices, prosecutors and law enforcement worked cooperatively with other government offices and agencies and, in some instances, the International Criminal Police Organization (Interpol) to prevent and combat illegal border activities and interdict individuals and commodities crossing borders illegally. In some cases, those efforts included the enhancement of legal powers of relevant agencies to enable them to employ electronic or other surveillance or other special investigative measures. Specific anti-crime activities occurring at international borders included the seizure of drugs, currency and other forms of contraband, as well as the interdiction of both victims and perpetrators involved in illegal migration and trafficking in human beings.[4]

13. Table 1 sets out specific border control problems encountered in some of the responding States, as well as the measures taken in response.

Table 1
Border security

Country	*Type of incident*	*Response or other information*	*Period*
Angola	Smuggling	Smuggling across the southern border	-
Australia	Drug smuggling; illegal migration	Various drugs and other prohibited goods seized while entering the country by land, air or sea; illegal immigrants entering by air	1996-1999
Austria	Smuggling; illegal migration; and arms trafficking	Improvements in border control resulted in increased arrests for drug smuggling; illegal immigration (arrests increased from 4,562 to 13,865); smuggling of human being (arrests increased from 1,000 to 1,823); and arms trafficking	1998-1999
Bulgaria	Illegal migration	Border patrol became more efficient; more violators detained; and better statistics on applicants applying for refugee status	1999
Croatia	Illegal immigration and smuggling	Incidents included smuggling of human beings (347), drug smuggling (505), smuggling of motor vehicles (91) and counterfeiting of travel documents (154 documents seized)	1999
Czech Republic	-	Permanent expansion of border security along the border with Poland; increased personnel along the border with Germany; and intensified cooperation between border guards and the police force in border countries	-
Estonia	Illegal migration	Decreases in illegal border crossings, forged documents seized and stolen vehicles seized; and increases in illegal immigrants apprehended and persons wanted by law enforcement agencies	1996-1999
Finland	Illegal migration	Border control system provides 100 per cent checks on persons crossing the border; continuous patrolling and surveillance; increased cooperation with the border service of the Russian Federation; 3,131 refusals of entry, of which 1,500 were motivated by suspicion of crime; 114 forged documents seized; and 60 stolen vehicles seized	1999
Germany	Illegal migration and smuggling of human beings	201,069 illegal entries; 14,921 smugglers arrested; 51,221 persons smuggled; permanent expansion of border security; intensified cooperation between the border guards and the police force of border countries; use of thermal imaging systems, police dogs and police helicopters in areas requiring high border guard presence	1994-1999
Greece	Human smuggling	Decrease in border activity; most serious border crimes occur at the border with Albania	-
Ireland	Drug smuggling	Cash and illicit drugs seized at border	-
Jordan	Illegal migration and smuggling of human beings	78 smuggling cases; 55 cases involving cross-border movement	-

Country	*Type of incident*	*Response or other information*	*Period*
New Zealand	-	Increases in incidents involving amphetamine imports, overseas drug syndicates, travel document fraud and pornography via the Internet; and decreases in incidents involving cannabis smuggling and revenue fraud due to reduced tariffs	-
Poland	Illegal migration	Decreased substantially (-43 per cent); 42,993 aliens refused entry	1999
Slovakia	Drug smuggling	Largest decrease in illicit drug imports was in heroin imports; customs detected 242 criminal offences in 1998 and 213 in 1999	1998-1999
Sweden	-	Encountered 250,993 objects subject to customs control; 13,936 crimes	1999
Syrian Arab Republic	-	1,251 incidents reported by the border patrol	-
United Kingdom of Great Britain and Northern Ireland	Illegal migration	10,412 people entered the country clandestinely; and 28,320 undocumented passengers arrived by sea or air	1998
United States of America	Drug smuggling; smuggling of motor vehicles and firearms; illegal migration	Thousands of pounds of cocaine interdicted and over 9,000 migrants interdicted at sea	-

14. In order to strengthen border controls, some States have also taken measures in cooperation with other States, including regional, subregional and bilateral agreements to set border standards and prevent illegal border crossings. There are also indications of increased cooperation, both within and between countries. Law enforcement, customs and border patrol agencies are cooperating in areas such as investigation, prosecution and extradition by sharing information and by other means. Relevant regional, subregional and bilateral agreements are outlined in table 2.

Table 2
Regional, subregional and bilateral activities relating to border security

Country	*Regional, subregional and bilateral agreements*	*Problems, concerns and issues*
Australia	Sharing information for extradition; bilateral agreements with customs agencies; establishment of overseas liaison	
Bulgaria	Working cooperatively with other countries to set border standards; and maintaining intergovernmental agreements with 20 States in order to counter cross-border crime	
Estonia	Cooperation with other national and international law enforcement authorities in combating organized crime at borders	
Germany	Directives regulating the movement of firearms and explosive materials between individual member States of the European Union	

Country	*Regional, subregional and bilateral agreements*	*Problems, concerns and issues*
Iraq	Enacting regulatory and penal provisions for preventing illegal border crossings; and concluding bilateral treaties with neighbouring States	
Japan	Working collaboratively with other countries to stop illegal immigration; police working closely and exchanging information with other Asian countries	
Jordan		Problems and concerns: illegal crossing operations occurring along the border
Morocco		Problems and concerns: illegal immigrants, especially from Africa, crossing into the country through the Algerian territories in an attempt to migrate to Europe
New Zealand	Ongoing development of an international small-craft/yacht reporting system to cover the Pacific rim; development of regional intelligence initiative; posting of officers overseas to liaise with counterparts; bilateral cooperative agreements with overseas law enforcement agencies	Issues: pornography, privacy legislation, inter-agency rivalries, differing priorities between countries
Norway	Implementation of the Schengen Convention[a] and participation in other regional police and border control initiatives	
Poland	Participation in the Task Force on Organised Crime in the Baltic Sea Region	
Slovakia	Border service and cooperative relationship with Hungary and Ukraine; collaborative relationship with border patrol, customs and police	
Tajikistan	Setting of additional border posts and concluding inter-State agreements with Kyrgyzstan and Uzbekistan on the strengthening of measures to prevent the smuggling of strategically important raw materials, to prevent drug trafficking etc.	

[a] Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of States of the Beneleux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990.

15. Most responding States also indicated that they used enhanced technologies to protect the integrity of travel documents such as passports, including measures to detect and prevent counterfeiting, falsification and tampering, and enhanced legal measures to prosecute counterfeiting. Communication and other technological measures may also be used to check the validity of documents used by travellers. Such measures were supported by increased training efforts and enhanced communication links between agencies. The focus of such measures was on travel documents, but in some cases the measures might be applicable to other documents, such as shipping documents or import or export permits or licences. Table 3 shows examples of those measures taken by responding States.

Table 3
Technological measures employed with respect to travel or other documents

Country	*Measures employed*
Australia	Technology is used to prevent tampering. Communication linkages have been established for identification or verification purposes.
Bulgaria	Border checkpoints use state-of-the-art technology to verify the authenticity of documents.
Czech Republic	An electronic registration system is in use.
Estonia	The board of border guards established a Travel Documents Evaluation Centre in 1999. All border posts are equipped with the necessary passport control equipment.
Finland	The following were introduced: new passports with high security standards, secure identity cards and optical variable device visas and residence permits.
Germany	In 1996, a special unit for the prevention of the tampering, falsification and counterfeiting of documents was set up at the Federal Office of Criminal Investigation.
Iceland	Enhanced technology was used to detect and reduce the counterfeiting of passports. Training was provided in the detection of counterfeit documents.
Iraq	A law on passports was enacted and the relevant penal provisions were incorporated into the Penal Code.
Japan	Machine-readable passports with anti-forgery features were introduced.
Jordan	Ultraviolet hardware was used at some border checkpoints, especially at airports, to detect falsifications.
Morocco	Control action is undertaken at border and other points. Persons involved in offences are prosecuted and brought to justice.
New Zealand	Passport document and systems (i.e. electronically read passports) have been improved.
Norway	Passports and visa stickers are produced in a way to make falsification as difficult as possible.
Philippines	The Department of Foreign Affairs has established the Office of Passport Falsification and Irregularities to handle cases involving counterfeiting.
Poland	Basic examination tools are used at border control checkpoints.
Qatar	In 1999, a machine-readable passport was issued that contains high-performance security features. For example, the details and photograph of the passport bearer are printed by an automated process on an adhesive plastic cover.
Republic of Korea	The illegal alteration, falsification and counterfeiting of travel and transit documents are punishable as crimes of forgery under the Criminal Code.
United Kingdom of Great Britain and Northern Ireland	The Immigration Service National Forgery Section trains all immigration service staff in forgery detection techniques. The Immigration Act and the Forgery and Counterfeiting Act permits prosecution of those holding forged travel documents.
United States of America	Technology has been used to improve the inspection of travel documents. International information exchange is used to detect counterfeiting and forged documents.

16. Most of the responding States required additional scrutiny with respect to items or commodities seen as significant in public security terms. Those requirements included import and export permits or licences, often linked to conditions of issuance such as the keeping of transaction records, the declaration of and limitations with respect to "end-users" or final destinations, and requirements for safety and security in transit. In some cases, controls on transnational transactions were closely linked to controls on

domestic activities such as acquisition, possession, sale or use. Sensitive items or commodities that commonly attracted import and export controls included firearms and other weapons or munitions, explosives and exceptionally dangerous biological, chemical or nuclear materials. In some cases, restrictions also applied to parts, components, precursors or constituent elements for such commodities and/or tools, equipment or apparatus needed to produce them, where those were of a sufficiently specialized nature.[5] Restrictions on traditional weapons and related technologies were more commonly reported than those on chemical or biological materials.

III. Initiatives to combat serious forms of transnational crime, including terrorism

17. Article 1 of the Declaration lists a number of particularly serious types of transnational crime, against which Member States are urged to take effective national measures: organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes, and the laundering of proceeds from serious crimes. Most States that sent replies to the questionnaire reported that they had taken such measures. Many indicated that they had adopted definitions and offences specific to organized criminal activity, applicable where two or more individuals planned or carried out a criminal act.[6] In addition to reporting on offences specified in article 1, many responding States also reported on laws criminalizing the following conduct when it involved elements of transnational and organized crime: smuggling of people for purposes other than trafficking, prostitution, money-laundering, counterfeiting, child pornography, value-added tax fraud, computer-related crime, various forms of financial crime, and intellectual property and industrial theft.

18. Sixteen of the responding States indicated the existence of various penal codes and laws specific to the participation in the commission of various forms of serious transnational crime. Some specific provisions included offences relating to sedition, terrorism, national security offences, sexual offences, racketeering, illegal financial transactions and influencing or assisting in such crime. In more than half of the responding States, national laws contained specific provisions governing participation in an organized criminal group or entity. Most States had criminal offences relating to affiliation with gangs or organized criminal groups or participation in the activities of such groups. In many cases, laws prohibited participation but not mere membership, possibly owing to legislative or constitutional constraints imposed by protection relating to "freedom of association". In some cases, legislation also provided for aggravated sentences or mandatory minimum sentences for those convicted of such acts. After the survey was conducted, the United Nations Convention against Transnational Organized Crime was adopted, obligating parties to the Convention to criminalize participation in the activities of an "organized criminal group" (General Assembly resolution 55/25, annex I, article 5). The progress made by States in their efforts to ratify the Convention and its protocols is described in document E/CN.15/2002/10.

19. Most of the responding States also indicated that they had adopted legal measures in response to specific crime problems that were likely to be transnational in nature. Crimes such as money-laundering, trafficking in human beings, drug trafficking and some forms of sexual crime were generally dealt with by measures that included specific offences, investigative powers and evidentiary rules. Some States also reported on recent or pending amendments in those areas.

20. Some States had also adopted specific legislation to deal with terrorism. That legislation included definitions applicable to terrorist groups or terrorist crimes or action that tended to focus on the use of violence or criminal acts. Such acts were linked to the immediate goal of causing death, injury and/or the intimidation of a population and to the underlying purpose or objective of generating political, social or similar pressure or causing harm to national security. Other States had not sought to criminalize terrorist activities or groups, per se, preferring instead to address the problem from within existing criminal and penal frameworks. To enhance deterrence, for example, a crime committed for terrorist purposes might attract a harsher sentence than the same crime committed for other purposes. In addition to criminal offences, some States had also adopted specific investigative powers or procedural measures for cases related to terrorism.

21. The terrorist attacks that took place in the United States on 11 September 2001 led to further action by the international community and many Member States. Prior to the attacks, the General Assembly, in its resolution 51/210 of 17 December 1996, had established an ad hoc committee to elaborate an international convention for the suppression of terrorist bombings and, in its resolution 54/110 of 9 December 1999, decided that the ad hoc committee should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism. The ad hoc committee, having previously concluded its work in respect of the International Convention for the Suppression of Terrorist Bombings (Assembly resolution 52/164, annex), resumed its work on a possible comprehensive convention with renewed vigour following the attacks. In its resolution 56/123 of 19 December 2001, the Assembly reaffirmed the role of the Centre for International Crime Prevention in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism.

22. In its resolution 1368 (2001) of 12 September 2001, the Security Council unequivocally condemned in the strongest terms the terrorist attacks of 11 September 2001. In its resolution 1373 (2001), the Security Council established a series of legal requirements applicable to all Member States to take action with respect to preventing the funding or financing of terrorist acts, preventing the commission of terrorist acts, denying safe haven and the use of their territories to those involved in such acts, establishing as serious criminal offences the financing, planning, preparation and perpetration of terrorist acts, and preventing the movement of terrorists or terrorist groups by effective border controls and controls on the issuance and validation of identity papers and travel documents. Following the adoption of Security Council resolution 1373 (2001), many States have enhanced legislative and other measures to take effective action against terrorism.

23. At its intersessional meeting held on 14 January 2002, the Commission requested that the Secretary-General report to it at its eleventh session on progress made in strengthening international cooperation in combating terrorism. More detailed information about this issue will be dealt with in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2002/2).

IV. International cooperation in criminal matters

A. Mutual legal assistance in criminal matters

24. Almost all of the States that provided replies concerning mutual legal assistance indicated that such assistance was rendered on a legal basis. Most cited the dual basis of international legal instruments governing the obligation to assist other States and the processes for making requests and rendering assistance, as well as domestic laws governing the taking of action necessary to render such assistance, such as the search for and seizure of evidence requested by another State. Three States indicated that they rendered such assistance based only on domestic law, and nine cited only treaties as the basis for rendering such assistance.

25. A common limit on the rendering of such assistance was the requirement of dual criminality, under which one State will only assist another State if the request relates only to a crime or crimes specified by the requesting State which are also crimes in the requested State. In responding to requests, 23 States reported that they required dual criminality when rendering assistance in any form which required coercive measures such as arrest, search or seizure. Only 13 of those States extended the same dual criminality requirements to legal assistance requests which could be responded to without such measures. Ten States also raised the possibility of alternative means of rendering assistance that might not require dual criminality. States Parties to the United Nations Convention against Transnational Organized Crime may refuse assistance based on the absence of dual criminality, but such assistance is not precluded and may be provided without dual criminality at the discretion of the requested State Party involved (General Assembly resolution 55/25, annex I, art. 18, para. 9).

26. For most of the responding States, legislation or other arrangements did not require withholding mutual legal assistance on grounds of bank secrecy. For those which have become States Parties to the United Nations Convention against Transnational Organized Crime, bank secrecy is expressly excluded as a basis on which assistance can be refused (General Assembly resolution 55/25, annex I, art. 18, para. 8). Information or evidence that is sensitive for other reasons may be delayed, withheld or provided subject to limitations on its use in some cases. Most of the States which responded also indicated that they required assurances that assistance, once rendered, would not be transmitted to other States or used in proceedings other than those for which it was requested. One common limit was the delay in transmission or requiring of assurances in respect of evidence in cases where disclosure might prejudice an ongoing criminal investigation in the requested State. The United Nations Convention against Transnational Organized Crime permits delay where needed to protect ongoing investigations or proceedings and limits the use, disclosure and further transmission of evidence without the consent of the State Party which provided it (Assembly resolution 55/25, annex I, art. 18, paras. 19 and 25).

27. Most responding States indicated that they had legislation or other arrangements that permitted the transfer of a person in custody to another State for the purpose of providing testimony or other assistance in investigations or criminal proceedings. In such cases, transfer was usually made contingent on undertakings that the transferred person would be kept in adequate custody and would be returned without the need for extradition or other proceedings.

28. Recent developments in telecommunications technology have removed most of the technical obstacles to providing testimony before a legal tribunal, both viva voce and by means of audio and video recording. In criminal proceedings there is a strong preference for live video-link evidence of sufficient quality to permit accused persons to confront witnesses and to permit adequate cross-examination. Sixteen of the responding States indicated that they had adopted legislation permitting testimony and similar evidence provided via video link or other modern means of communication to be used in criminal proceedings, provided that minimum conditions were met. Most preferred live testimony, limiting video evidence to cases where it was justifiable on the basis of geographical distance, physical limitations of the witness, the protection of the witness or some combination of those factors. Apart from logistical and technical concerns on the part of developing countries, the other major constraint on the use of audio- or video-link evidence was the difficulty of applying legal sanctions to the witness for perjury or failure to cooperate with the tribunal. Ten of the 18 responding States had extended their domestic perjury offences to include witnesses testifying in a domestic tribunal from abroad.

29. To expedite the reception of and response to legal assistance requests, most of the responding States indicated that they had designated a central authority to receive requests, to refer them to the appropriate domestic agency for response and to review the evidence or other assistance generated before transmitting it back to the requesting State. Twenty-eight States reported that they had concluded bilateral or international agreements or arrangements with other States to facilitate the detection, apprehension and prosecution of persons who had committed or had been otherwise responsible for serious transnational crimes.

30. Twenty States provided information about the volume of requests for mutual legal assistance received between 1996 and 1998. The major reasons for refusing requests included: the absence of reciprocal assistance; the absence of dual criminality; bank secrecy; possible prejudice to sovereignty, security, public order or other essential public interests; the political or military nature of the offence involved in the request; discriminatory nature of the request; incompatibility with an ongoing investigation or prosecution; inconsistency of the measures requested with national legislation and practice; the right of the subject not to be prosecuted again for an offence for which he or she had previously been acquitted or convicted; and the lack of an applicable treaty or agreement. Requests also sometimes foundered on non-legal grounds, the most common being the failure of the requesting State to provide adequate documents or evidence in support of its request and difficulties arising from the translation of documents.

31. Twenty-one of 27 responding States indicated that they permitted law enforcement agencies or other relevant authorities to receive and respond directly to requests for assistance in some circumstances. In some cases, that was done pursuant to the provisions of

bilateral, multilateral or regional agreements or arrangements. In other cases, informal assistance was given between the individuals or agencies involved without legal requirements. Most of the responding States indicated that they allowed agencies to share information directly where certain conditions were met. Those conditions included the existence of an applicable international agreement, transmission via a recognized channel (such as Interpol or the European Police Office (Europol)), and limits on the use of information (for example, for investigative or intelligence purposes and not evidentiary purposes). A common concern was the potential that shared information might be further transmitted or disclosed by the receiving State. Almost all of the 28 States that responded on this point indicated that when requesting information they could offer assurances that the information would not be transmitted or used for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested State. In some cases absolute guarantees of non-disclosure might be impossible because of obligations on the part of the State given the information to make full disclosure to the accused in criminal cases. The United Nations Convention against Transnational Organized Crime requires the State that must disclose shared information to notify the State that shared it before the disclosure or, if that is not possible, without delay afterwards (General Assembly resolution 55/25, annex I, art. 18, para. 19).

B. Extradition

32. Extradition treaties vary in their nature and scope. Some are bilateral, while others have multiple States parties. Some are of a general nature, while others are embedded within treaties that are more specific and focused in their subject-matter and scope of application. Such treaties commonly provide for extradition only in cases linked in some way to transnational organized crime, trafficking in narcotic drugs or terrorist bombing, for example. Most responding States indicated that they were parties to one or more such treaties, and some had signed bilateral treaties with many other States. States that had signed such treaties did not necessarily make extradition conditional on the existence or applicability of such a treaty, however. Over one half (16 of 26) of the responding States indicated that extradition for offences not covered by a treaty or to States where no treaty existed might be permitted on a discretionary basis, subject to applicable domestic constitutional or legal constraints. Twenty-four of the 27 responding States reported that they had domestic legislation specifically governing extradition matters.

33. One major constraint on extradition is the principle—which is a constitutional requirement in some countries—that a country's own nationals cannot be extradited to face foreign criminal proceedings. In some countries, nationals may be extradited, but only subject to additional conditions not applied to others. Only 14 of the 28 responding States indicated that their laws allowed for the extradition of their nationals under certain conditions. Conditions differed greatly among the 10 States that offered such information and were subject to relevant treaties or agreements. Below are examples of information received from States regarding the extradition of their nationals. The majority of States in which extradition of nationals was not permitted did not have legislation providing for the conditional extradition or temporary transfer or surrender of a national on the condition that he or she be promptly returned after trial to the extraditing country's territory. Table 4 illustrates some of the conditions that were placed on extradition.

Table 4
Legal conditions or limits on extradition

Country	*Conditions for extradition*
Angola	Extradition is possible only by arrangement between Governments.
Estonia	No special conditions exist.
Finland	Extradition is possible only to another member State of the European Union for a crime that would yield the most severe punishment of four years imprisonment if committed under Finnish law in Finland; no Finnish national may be re-extradited to another State.
Ireland	Extradition is possible only where there is a reciprocal agreement.
Japan	Extradition is possible only where there is an extradition treaty with the requesting State and that treaty has a provision to allow the extradition of nationals.
New Zealand	Extradition is subject to whether the relevant treaty, Order in Council, undertaking or arrangement specifically allows or precludes the surrender of citizens of New Zealand.
Norway	Extradition is possible under certain conditions to the Nordic countries only.
Swaziland	Extradition is possible where the offence of which the person is accused or convicted is not of a political character.
United Kingdom of Great Britain and Northern Ireland	There are no conditions for the extradition of nationals. Nationals are dealt with in the same manner as non-nationals.
United States of America	Extradition is possible pursuant to bilateral agreements with individual countries.

34. One response to the inability of States to surrender their own nationals for extradition is the principle "extradite or prosecute" (aut dedere aut judicare), under which a State that does not extradite an offender by reason of his or her nationality is required to prosecute the case in a domestic court, or at a minimum, make due efforts to do so. This principle is codified in the extradition provisions of a number of international legal instruments.[7] This requires States which cannot extradite their nationals to ensure that their own courts have jurisdiction, and 16 of the States that responded to the survey indicated that their laws provided for obligatory or discretionary jurisdiction in such cases. Preconditions for such jurisdiction varied in accordance with general factors such as national criminal legislation, applicable treaties and case-specific factors such as the nature of the crime and the admissibility of evidence.

35. Extradite or prosecute requirements may also not be met because, despite due efforts to complete investigations and bring cases to trial, an adequate case could not be assembled. Foreign witnesses may not be available, for example, or other evidence may be insufficient or inadmissible. Ten of the 18 responding States reported that, having refused extradition, they had subsequently prosecuted their own nationals on the grounds of aut dedere aut judicare from 1996 to 1998.

36. As with mutual legal assistance (see para. 29 above) central authorities are usually established to receive and consider extradition requests. Such authorities serve as a point of contact between Governments, assessing incoming requests in order to refer them to the appropriate domestic agencies for follow-up or to draw the attention of a requesting State to any problems or insufficiencies in order for them to be dealt with. The majority of the responding States had designated a central authority with the responsibility and power to execute requests for extradition or to transmit them to the competent authorities for execution. Generally, those authorities were associated with ministries or departments responsible for foreign affairs, justice or public prosecutions.

37. The initial stage of extradition proceedings is usually a request that the responding State provisionally arrest the subject and make any necessary custodial or other arrangements to ensure that he or she will not flee to avoid extradition. In some countries, such requests must be made via appropriate diplomatic channels and central authorities, while others allowed for less formal requests, pending further proceedings. Sixteen of the responding States reported an annual average of 50-60 arrest requests per year through diplomatic channels between 1996 and 1998. A further 15 responding States reported an average of 8-9 requests per year. Twenty-three of the 28 responding States also allowed law enforcement agencies or other relevant authorities to receive and execute requests for provisional arrest directly from other States or through intergovernmental organizations such as Interpol under certain conditions, including those provided for in bilateral, multilateral or regional agreements or arrangements.

38. Reasons for not executing requests for provisional arrest included: inability to locate the subject; failure of the request to satisfy legislative or constitutional conditions of the requested State; lack of information sufficient to determine whether the request met applicable requirements; withdrawal of the request; absence of dual criminality; and lack of a treaty or national laws applicable to the requesting State. Where States permitted direct requests for provisional arrest, additional conditions were usually applied. The principal conditions in such cases were dual criminality requirements, the issuance of a judicial order and the non-prescription of criminal acts. During the survey period, the proportion of cases in which provisional arrest was sought or obtained directly appeared to decrease. The overall number of cases in which provisional arrest was sought through diplomatic channels remained relatively unchanged.

39. The overall number of requests for extradition made through diplomatic channels appears to have decreased slightly during the survey period, as did the number of requests that actually concluded with extradition. Common reasons for refusing extradition included: absence of assurance of reciprocity; lack of dual criminality; lack of an applicable extradition treaty; inability of the requested State to extradite one of its nationals; unwillingness or inability to extradite due to the possible application of capital punishment; refusal because the offence in question was of a political nature; lack of sufficient evidence; the fact that the subject had already been convicted or acquitted of the same offence; and the fact that the offence involved was not an extraditable offence under applicable laws or treaties.[8]

V. Law enforcement training and education

40. Twenty-five of the 33 responding States indicated that they had recently organized or hosted international law enforcement training and education activities dealing with measures against serious transnational crime. The activities described included the provision of courses on organized crime, border security or law enforcement issues, drug trafficking, illegal migration issues, corruption issues, witness protection, domestic or transnational firearms control or firearms trafficking issues, linkages between drug- and terrorism-related crime, and money-laundering. In some cases specific activities formed elements of broader programmes in areas such as white-collar crime, drug law enforcement, money-laundering, multidisciplinary co-operation, juvenile delinquency, organized crime, border protection, criminal intelligence programmes and forensic science programmes. Specific initiatives included those arranged on a bilateral or regional basis by Governments or training institutions, as well as those of intergovernmental organizations such as Interpol.

41. Technical assistance programmes in general were less common. Fewer than one half of the responding States indicating that they had recently provided such assistance and about one half indicating that they had received it. The assistance in question included the provision of equipment, the provision of institutional assistance, the transfer or sharing of expertise and the furnishing of both general and case-specific information. The equipment provided ranged from trained dogs to ships, and the expertise provided included training in police management, prosecution skills and forensic sciences. Institutional assistance included the establishment or overhauling of key institutions and the provision of assistance with legislation. Expertise and institutional assistance included the secondment of skilled personnel and the conducting of training exercises in the requesting State and sending personnel for training. In some cases assistance was limited to

simply furnishing information, training or reference manuals or similar materials.

VI. Status of adherence to the principal treaties relating to various aspects of international terrorism and international drug control

42. About one half of the responding States indicated that they had implemented the two major existing international treaties and the General Assembly resolutions on terrorism that were in effect at the time of the survey.[9] This development has largely been superseded by events following the terrorist attacks of 11 September 2001. Since then, many additional countries have ratified and implemented the two instruments, and all Member States have become subject to the requirements of Security Council resolution 1373 (2001).

VII. Victim and witness assistance programmes

43. Of the 31 responding States, 17 appeared to have procedures or programmes to protect witnesses in cases where participating in criminal proceedings could put witnesses in danger. Such combined legislative or regulatory powers are generally supported by administrative procedures and programmes. Cases involving transnational crime tended to be subsumed within broader laws and policies intended to protect witnesses in all criminal cases. Most of those procedures and programmes included relocation and the creation of a new identity. Almost half of the responding States had also established evidentiary rules allowing testimony to be given in a manner that ensured the safety of witnesses. The United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which were adopted after the survey was conducted, contain specific provisions for providing assistance to and protecting both victims and witnesses (General Assembly resolution 55/25, annex I, arts. 24 and 25, and annex II, art. 6).

44. Protecting witnesses in cases involving transnational crime raises further issues, including the need for cooperation and the question of which of the States involved will bear any costs involved. Fewer than half of the 27 States that provided replies reported having legislation that provided for arrangements with other States for witness relocation and protection. Such legislation usually required the State requesting the witness's participation to pay such expenses as travel and protection costs. In some countries, similar principles were simply set out in the applicable treaties and not necessarily in domestic law. Some responding States did not appear to have established any rules dealing with such matters on an ad hoc basis.

VIII. Proceeds of serious transnational crime

45. More than half of the 30 States that provided information on money-laundering issues indicated that their legislation included measures against laundering the proceeds of serious crime. In almost every case, a central element of such legislation was a criminal offence of money-laundering, which criminalized activities such as transactions or transfers intended to conceal or alter the nature of proceeds in order to conceal their origin or to defeat efforts to trace and seize the assets involved. Most States also had lists of specific crimes, or "predicate offences", to which such measures applied, including smuggling and trafficking offences involving drugs, illicit arms and other commodities and, in some cases, trafficking in human beings. Offences to which such measures applied tended either to be sufficiently serious to warrant financial controls (for example, terrorist offences) or to generate proceeds substantial enough that the potential for seizure and forfeiture was seen as an effective deterrence and control measure (for example, drug trafficking offences). Other States had adopted a more general approach, simply applying the money-laundering provisions to any criminal offence seen as sufficiently serious to justify the attachment of additional criminal liability or warrant the administrative and law enforcement effort involved. That could be based on national categories, such as felony/misdemeanour or summary/indictable offences, or on standards such as the harshness of the maximum punishment applied. The latter approach was also taken in the United Nations Convention against

Transnational Organized Crime, which requires States Parties to criminalize conduct relating to the laundering of the proceeds of predicate offences specifically established by the Convention and any other "serious crime", defined as an offence punishable by a maximum deprivation of liberty of at least four years (General Assembly resolution 55/25, annex I, art. 2, para. (b), and art. 6).

46. The question of bank secrecy is seen as critical in money-laundering cases. Of the 27 States that replied on that issue, 20 indicated that they provided for some limitation or lifting of bank secrecy where doing so could be adequately justified as part of a criminal investigation. The justification required varied from country to country. In some countries bank secrecy could be lifted in all criminal cases, while in others it could only be done in cases involving predicate offences for money-laundering or specific categories of offences such as drug trafficking. Some States indicated that they had also established specific provisions excusing banks from civil liability to customers where bank information was disclosed to investigators. The United Nations Convention against Transnational Organized Crime requires States Parties to lift bank secrecy whenever there is a mutual legal assistance request in any case to which the Convention itself applies.

47. Record-keeping and transparency were also seen as important elements of programmes against money-laundering; 23 of the 31 States that responded on this point indicated that they had legislative rules requiring financial and related institutions to make clear and complete records of accounts and transactions. A total of 25 States indicated that their legislation allowed law enforcement authorities to use such records in criminal investigations and prosecutions, as well as in regulatory or administrative investigations and proceedings when necessary. Some States sought to maintain confidentiality by barring disclosure other than in the proceedings for which the records were obtained. Many of the responding States had legislation that required financial and related institutions to report suspicious or unusual transactions to the appropriate authorities. Fourteen States provided the total number of such transactions reported for 1996, 1997 and 1998; the average was 22,456 reported transactions per country.

48. States also reported a number of other measures taken to prevent or combat money-laundering and related activities. Most required their banks and financial institutions to report suspicious transactions or other activities, and 16 included cross-border transfers of cash or negotiable instruments. Many had also established frameworks for cooperation between institutions and programmes for training employees. A total of 22 States reported the establishment of financial intelligence units to serve as national centres for the collection, analysis and dissemination of information regarding potential money-laundering and other forms of financial crime. As with mutual legal assistance and other forms of international cooperation, some rendering of assistance was done pursuant to formal memorandums or agreements, while in other cases less formal cooperation occurred. Some States indicated that they allowed informal cooperation between financial institutions, but only where the institutions were roughly equivalent and thus subject to the same obligations regarding confidentiality.

49. The establishment of powers to confiscate proceeds of crime was seen as critical to most policies against money-laundering, which sought to deprive offenders of financial incentives to commit crimes and the subsequent use of any gains should a crime succeed. Almost all 30 of the responding States reported that their laws and procedures allowed for the confiscation of proceeds. Specific provisions were supported by measures to facilitate the tracing, identification, seizure and confiscation of proceeds and were made subject to procedural safeguards to ensure that funds or other assets targeted by such measures were, in fact, proceeds of crime or derived in some way from such proceeds. Some described a two-stage process, involving safeguards both at the stages of initial seizure or freezing of assets, and more substantial requirements prior to any final forfeiture.

50. More than one half of the States that responded had laws allowing the execution of confiscation-related requests for mutual legal assistance from other States. In most cases, the requirements for such assistance included the basic requirements for all forms of mutual assistance, with additional elements specific to the nature of a confiscation-related request. At the time of the survey, such cases appear to have been rare: only 6 of the 20 responding States indicated that they had received requests for mutual legal assistance for identification, freezing or seizure of property in the last

several years, and only four of those States had executed such requests. During the same period, only eight States indicated that they had received confiscation requests and only six of those States had actually executed such requests. One possible explanation for this is that the high costs and complexities of such cases dissuaded authorities except where the proceeds were substantial. Another is that, while most countries' legislative schemes provide for legal assistance in tracing, seizing and forfeiting proceeds, not all provide for the return of such proceeds in the event that they are successfully recovered. Some States had established reciprocal arrangements or signed memorandums with others to provide a basis for the sharing and return of recovered proceeds.

51. The United Nations Convention against Transnational Organized Crime also imposes requirements on States Parties to take measures against money-laundering, including customer identification, record-keeping and the reporting of suspicious transactions, and encourages consideration of further measures against transnational money-laundering (General Assembly resolution 55/25, annex I, art. 7). It also contains provisions governing the confiscation, seizure and disposal of proceeds of crimes, as well as property, equipment or other instrumentalities used in or destined for use in crimes to which the Convention applies. These supplement the Convention's more general rules for mutual legal assistance and provide for confiscation, seizure and international cooperation in matters such as identification, tracing, freezing and seizing proceeds. Provision is also made for the disposal of proceeds, but this is not mandatory for States Parties to the Convention, which are required to consider priority use of recovered proceeds to compensate victims and are encouraged to consider the sharing of such funds with other States Parties or their use for combating transnational organized crime (Assembly resolution 55/25, annex I, arts. 12-14).

52. Since the survey was conducted, concern about the laundering of the proceeds of serious corruption offences has emerged as a major concern in view of the substantial proceeds involved in such cases and the complex international issues raised by efforts to trace and recover them. This has led to pressure to include corruption-related conduct within the scope of criminal offences to which national laws against money-laundering apply and to deal with issues related to asset recovery as part of the draft United Nations Convention against Corruption.[10]

IX. Bribery and other forms of corruption

53. Most of the responding States reported that they had adopted legislation to combat and prohibit bribery and other forms of corruption and bribery, although such measures were still pending in some countries. In many cases, measures which had been taken were linked to international instruments, a process that was likely to continue as the negotiation of the draft United Nations Convention against Corruption proceeded. Specific measures included both criminal offences covering conduct such as bribery and more proactive measures such as codes of ethics to discourage corruption and transparency requirements to deter misconduct and make it easier to detect. Some of those measures had been introduced pursuant to the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the United Nations Declaration against Bribery and Corruption in International Commercial Transactions (Assembly resolution 51/191, annex). Some examples of those national measures are set out in table 5.

Table 5
Measures against bribery and other forms of corruption

Country	*Legislation*
Algeria	Property disclosure laws
Czech Republic	Criminal code amended in 1999 to conform with the Council of Europe's Criminal Law Convention on Corruption
Ireland	Ethics in Management

Country	*Legislation*
Morocco	Supreme Court of Justice Act, chapter 33, amended by finance law (January 1991)
Philippines	Enactment of the Anti-graft and Corrupt Practices Act for Government Personnel
South Africa	Legislation that criminalizes corruption by both the corruptor and the corruptee (that is, both active and passive corruption)
Sweden	Implementation of Organisation for Economic Cooperation and Development and European Union instruments on corruption

54. Non-legislative efforts reported in the survey were more common, being mentioned by about three quarters of the responding States. Examples of such measures are listed in table 6.

Table 6
Other measures against corruption

Country	*Measures taken*
Bulgaria	A government programme on reform in the public administration and the judiciary; and a programme on the activities of the Ministry of the Interior for prevention and detection of crimes committed by officials with mercenary motives and for the prevention of corruption among its officials
Czech Republic	Adoption by the Government of the Government Programme for Fighting Corruption in February 1999
Estonia	Training programmes for policemen to study investigative measures of corruptive bribery and organized crimes; participation in Octopus I activities
Jordan	Setting up of an anti-corruption department; penal code provisions for penalties
Tajikistan	Decree of the President "On Strengthening of Measures to Combat Corruption"
United Kingdom of Great Britain and Northern Ireland	Signing by the Government of the Council of the European Union's joint action of 22 December 1998 on corruption in the private sector and the Council of Europe's Criminal Law Convention on Corruption

X. Concluding remarks

55. A number of significant developments have occurred in relation to crime and public security since the period covered by the survey. In the area of transnational organized crime, many of the same issues and concerns raised in the United Nations Declaration on Crime and Public Security led the General Assembly to adopt its resolution 53/111 of 9 December 1998, calling for the elaboration of a Convention against transnational organized crime. Those concerns have since been dealt with by the subsequent negotiation and adoption of the United Nations Convention against Transnational Organized Crime and its three protocols. During the same period, the Global Programme against Money-Laundering continued its operations, and within the Centre for International Crime Prevention, two further Global Programmes were established to deal with specific issues related to organized crime (see below). As the process of ratification and implementation of the four legal instruments against transnational organized crime proceeds, significant changes can be expected in many countries in respect of the fight against organized crime, as well as in other areas affected by the instruments, in particular extradition, mutual legal assistance, corruption and money-laundering and the subject areas covered by the protocols. During 2001, this process was already under way as countries began to develop the legislative and administrative elements

needed to bring national structures into conformity with those legal instruments.

56. With respect to the fight against terrorism, the nature and scope of national and international efforts was significantly altered by the terrorist attacks of 11 September 2001 and the reactions to those attacks. Efforts to negotiate a comprehensive international instrument against terrorism continue, and a series of legal obligations to take immediate action in a number of areas were created by the Security Council in its resolution 1373 (2001). Countries are now engaged in efforts to implement that resolution, including by the ratification and implementation of the international instruments dealing with terrorism and related matters.

57. The fight against corruption has also expanded since the survey period, with the decision of the international community to proceed with the negotiation of a comprehensive international legal instrument, to be known as the United Nations Convention against Corruption, pursuant to General Assembly resolutions 55/61 of 4 December 2000 and 56/260 of 31 January 2002. Recognizing the seriousness of this problem, the Assembly called for the completion of the Convention by the end of 2003.

58. These issues were also considered by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000. In the "Vienna Declaration on Crime and Criminal Justice: Meeting the Challenges of the Twenty-first Century",[11] the Tenth Congress called for action in all of these areas. In its resolution 55/60 of 4 December 2000, the General Assembly requested the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation and follow-up to the commitments undertaken in the Vienna Declaration. At its tenth session, the Commission adopted a set of plans of action calling for a range of national and international actions, including: action against transnational organized crime; action against corruption; action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; action against money-laundering; and action against terrorism.[12] In its resolution 56/261 of 31 January 2002, the General Assembly invited Governments to consider carefully and use, as appropriate, the plans of action as guidance in their efforts to formulate legislation, policies and programmes in the field of crime prevention and criminal justice, for the purpose of implementing and following up on the commitments undertaken in the Vienna Declaration.

59. While implementation of the various plans of action by the Secretariat is contingent on the availability of resources, a number of elements contained in the plans of action are already embodied in the ongoing work of the Centre for International Crime Prevention. Since the conduct of the survey, global programmes have been established to assist States in combating trafficking in human beings and corruption, and a major ongoing project of the Centre involves the furnishing of assistance to States seeking to ratify the United Nations Convention against Transnational Organized Crime and its protocols. A new technical cooperation project to provide assistance to States seeking to ratify and implement international instruments against terrorism is also under preparation. The Commission may therefore wish to consider whether further efforts and resources are needed with respect to the implementation of the United Nations Declaration on Crime and Public Security.

Notes

[1] *Official Records of the Economic and Social Council, 2000, Supplement No. 10* (E/2000/30), paras. 37 and 49.

[2] The National Institute of Justice reviewed and analysed replies to the survey, noting that the limited number of replies to some questions did not, in its view, provide sufficient basis for drawing some of the conclusions envisaged in the original mandates. That analysis was submitted to the Centre for International Crime Prevention in March 1991.

[3] See the report of the Secretary-General on promoting the ratification of the United Nations Convention against Transnational Organized Crime and the protocols thereto (E/CN.15/2002/10).

[4] "Trafficking in persons" is defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II, art. 3, subpara. (a)), which requires States Parties to criminalize such activity.

[5] Similar conclusions were reached by the group of experts on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes. In its conclusions, the group of experts took

note of the desirability of restricting access to the chemical substances needed to make explosives, but also of the practical difficulties which arose out of the fact that many such chemical substances have common and innocuous applications (E/CN.15/2002/9/Add.1, paras. 56-58). Similar problems have arisen with respect to the regulation of chemicals and equipment that can be used to produce not only chemical or biological weapons but also pharmaceuticals and other legitimate items.

[6] Subsequently, in the United Nations Convention against Transnational Organized Crime the term "organized criminal group" was defined and the meaning of the words "transnational in nature" in the context of that convention was clarified (General Assembly resolution 55/25, annex I, art. 2, subpara. (a), and art. 3, para. 2).

[7] See, for example, the International Convention for the Suppression of Terrorist Bombings (General Assembly resolution 52/164, annex, art. 8) and United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex I, art. 16, para. 10).

[8] While respondents indicated that the possibility of capital punishment and "political offence" requirements were reasons why extradition could be refused, none actually cited any cases where they had in fact refused to extradite for either of these reasons during the survey period.

[9] The two major anti-terrorism instruments in effect at the time were the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (United Nations, *Treaty Series*, vol. 1035, No. 15410) and the International Convention against the Taking of Hostages (United Nations, *Treaty Series*, vol. 1316, No. 21931). States also indicated compliance with General Assembly resolutions 49/60 and 50/53, on measures to eliminate international terrorism. Some mentioned other legal instruments. Two other major anti-terrorism instruments, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism (General Assembly resolution 54/109) did not exist at the time of the survey.

[10] See the report of the Secretary-General on the prevention of corrupt practices and illegal transfer of funds (A/56/403 and Add.1); the report of the Commission on its tenth session (*Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part one, paras. 17-24); and General Assembly resolutions 55/61, 55/188 and 56/260.

[11] *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8), chap. I, resolution I.

[12] *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part two, chap. I.